

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 21, 2016**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Mike Nelson, and Rich Kuklewicz. Town Administrator Frank Abbondanzio and Executive Assistant Wendy Bogusz

Approve Selectmen minutes of March 14, 2016

Kuklewicz makes the motion to approve the minutes of March 14, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz- Aye, Nelson – Aye

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment:

Jean Golrick: Based on the public records request I filed recently and the answer that was given by you Mr. Nelson; for many years now the Board has found several ways to prevent MCCI from acquiring the old Cumberland Farms building including the claim MCCI failed to meet quarterly report filing deadlines. How is it now, this same board can consider accepting a proposal for commercial homesteading from an entity with a proven track record of failing to comply with terms of the land development agreement on file with the Town?

Elan: Montague Retreat Center has offered to host a benefit for the pipeline

Robert Trombley, WPCF Superintendent

FY2016 second half Sewer Abatement

Kuklewicz makes the motion to approve the abatement for 15 Old Northfield Road in the amount of \$90.50. Seconded by Boutwell, approved unanimously Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Trombley asks about succession plan and he is told that Rich and Frank will be meeting to discuss this.

Town Administrators Report

Request to waive ZBA fees for sign variance at the Shea Theater

This is typical when dealing with a non-profit organization

Kuklewicz makes the motion to waive the ZBA fees for a sign variance at the Shea Theater. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Discretionary hearing to be on next week for repointing of bricks at the Shea Theater

Execute Population Estimates for Seasonal Licenses in 2016 with ABCC

Kuklewicz makes the motion to execute population estimate for seasonal licenses in 2016 with ABCC as presented with estimated population at 8,437. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye, Boutwell – Abstain

Execute 3rd party Closed Landfill Inspection report and Corrective Action Report

This is an effort to bring everything up to date and get permitted

Kuklewicz makes the motion to authorize the chair to sign the inspection report corrective action report as presented. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye. Boutwell - Abstain

Vote to approve Town Administrators Budget Recommendations

To be discussed further with the Finance Committee

Discussion of updating signage at the Montague Center Town Library

Bergeron: After last meeting I looked into the signs and was told the DPW made them out of plywood and they are not historic signs, just old and faded. Custom Signs came up with aluminum with vinyl overlay signs, \$4,448 which includes taking down old signs and putting up new signs

Discussion about what sign should say, how to get it up and down

Frank feels National register refers to building as Town Hall, google directs people to this building

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Golrick: The National Historic Register has a booklet national Park Services/National Register Guidelines that should be referred to before undertaking any work on historic buildings in Town.

Kuklewicz makes the motion that Walter Ramsey, Linda Hickman and the Historic Commission come back before the Board with a plan around signage at the Montague Center Town Hall. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Walter Ramsey, Town Planner

Award Contract for energy project advisory and consulting services to Sebesta East, Inc. for an ASHRAE Level 2 Energy Audit at the Sheffield Elementary School and Administration Building, Contract amount \$7,500 funded by DOER grant

Ramsey: The Montague Energy Committee has requested an energy audit be conducted for the Sheffield School and the Administration Building in light of the need to address an aging boiler. The building is on the Town's Green Community baseline inventory, thus qualifies for Green Community Funding. The town received 11 quotes from energy consulting vendors pre-qualified by the State. I recommend awarding the contract to Sebesta East who provided the lowest quote. The work is to be entirely funded by an Energy technical assistance grant from the MA Department of Environmental Resources. The project is to be completed within 60 days from the Notice to Proceed.

Kuklewicz makes the motion to award the Contract for energy project advisory and consulting services to Sebesta East, Inc. for an ASHRAE Level 2 Energy Audit at the Sheffield Elementary School and Administration Building, Contract in the amount of \$7,500 funded by DOER grant at Sheffield Elementary school and administration building contract in the amount of \$7,500. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Award Commercial Homesteading Program Proposal for Building #11 at 20 Canal Road to Obear Construction

Ramsey: RFP published 3/18/2015 under the Town's Commercial Homesteading Program which has legacy of getting historic buildings like Riffs North, the NEFC Building, Montague Center School, and Powers Block back on the tax rolls and contributing to revitalization of the Town. Proposals were due September 1. Proposals were solicited for Building #11 of Strathmore complex only- a 32,280 square foot standalone 7 story building planned for subdivision from the 270,000 square foot complex. Obear Construction was the only responder to the RFP. As has been done in the past, the Obear proposal was vetted and reviewed by Town Staff- the building inspector, myself, and the town administrator. The proposal meets the minimum criteria in the RFP and overall scores as being an "advantageous proposal to the town", based on the 7 criteria on which the proposal was judged. These criteria review the developers experience and financial ability in addition to compatibility with the Town's economic development and historic preservation goals.

Obear proposes an investment of 2.24 million over 3-4 years to create between 16 and 20 residential and up to 2 floors of workshop and office space in Building 11. The projected tax revenue is 75-90K per year. But just as important it is the first step in revitalization of historic canal district. The proposal presents a path forward for reuse of other portions of the property. The developer has offered the minimum nominal purchase price of \$1.

Should the Selectmen accept the proposal, the next step would be to negotiate a land development agreement to which the Developer's (and Town) commitments will be more clearly identified. So to be clear- by accepting the proposal, you are not selling the land. A sale is still many months away. By accepting the proposal, The developer can invest further into design and attract additional capital and investors while the town can leverage the relationship to justify outside public investment that would provide the requisite public utilities and access to targeted redevelopment district.

I'll observe that the town had received decent amount of interest in Building 11- from folks as far away as New York City and even San Francisco- a result of social media marketing for the RFP. But these outside investors inevitably fail to gain traction without a commitment from the local government to pre-emptively resolve the access and utility challenges. Likewise the state and federal government will not assist with public investment without a committed developer. I've been to Boston 3 times now, begging pleading for help to no avail left only to feed on their crumbs of pity. But this chicken or the egg scenario remains in a holding pattern. The Obear proposal is the

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first proposal that attempts to break this viscous cycle. As a local Montague-based developer, Obear is going into this with eyes open and sees the merit in attempting to work through these utility and access site challenges in partnership with the Town.

Obear has built a great reputation for bringing chronically vacant properties back to vibrancy. He has rehabbed units in Montague Center, The patch, L Street in Turners Falls, and most recently the Powers Block in Millers Falls which is under construction. By rough count- At least 22 households have decent, respectable living situations in Montague because of his ongoing efforts –with more to come online soon. The neighborhood benefits of rehabbing these properties will be seen for years to come.

Kuklewicz: Mr. Obear put together a pretty comprehensive presentation, one of the things I question is what he lists as towns' responsibilities and there are challenges, especially access. Curious on dollar commitment from the town.

Ramsey: Accepting this proposal gets us to the negotiating table to see what the Town can help with. There are a lot of variables that the Town can't address. Having a committed developer will help get grants.

J. McNamera: Excited about the proposal, wonders what type of businesses are being proposed?

O'Bear: Incubator space for artisans or workshop space; utilize mixed use space so the building is attractive to financing and resources bring project forward. Want to break building into condo space, that could be sued for a variety of spaces or workspace, commercial and meet whatever demand is present. A condo association would be formed to oversee the building

A. Elan: Any hazardous material in the building? O'Bear: Always is with old buildings. Elan: \$2.4 Million seems low? O'Bear: Number is accurate (Cost is not a build out number for all spaces. Some will be marketed as raw space to allow build out by others).

Ramsey: Having a committed developer will help getting grants to assist with the bridge access and site infrastructure issues.

J. Golrick: Why doesn't the Board enforce the obligation to commit to form the other Land Development Agreement the developer has with the Town and if you vote this forward, are the three of you doing it knowing that the other agreements have not been kept by this gentlemen on his other property in Town?

Ramsey: She is referring to the Land Development Agreement the Town has with the Powers Block which is partially completed and signed off with a Certificate of Substantial Completion. As far as I know, he is in compliance, he has been in good communication with the Town keeping us apprised of deadlines and has shown the amount of investment he has committed to the program when requested.

Discussion about Ms. Golrick's Public Records Request

Kuklewicz makes the motion to award Commercial Homesteading Program Proposal for Building #11 at 20 Canal Road to Obear Construction. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

**Gina McNeely, Director Board of Health
Review of Noise Regulations**

Kuklewicz runs this portion of the meeting

Kuklewicz: Ms. McNeely has provided the Board with a working draft of the Board of Health Noise Control Regulation. Tonight is a beginning discussion; rather than get to everyone tonight, I think we should review it and go from there.

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McNeely: This is a working draft meant to be written on and come back to me with comments. After there is a formal hearing with the Board of Health which would be advertised. It's prudent to take a step back read and comment on this. It addresses a lot more than entertainment licenses; it's more of a town wide ordinance.

Kuklewicz: Far reaching, talks about trains, ATV's etc. Not uncommon for issues to arise around Town. It needs more review but I found it interesting.

Dodge goes over his findings from 1/1/15 to 3/21/16: 9 noise complaints, 6 were from the same house. The Police now have our noise meter calibrated with the Board of Health. If you call us, we are not going to play favoritism.. If there is a problem, we will address it.

McNeely talks about the night she went to Hubies from 8:00 PM to 10:00 PM when the noise level was good.

Kuklewicz: More research needs to be done to see what the difference really is. Maybe do some testing to see, don't want to create problems that will stifle the whole town. If we have a clear regulation, it will be fair to everyone. The Board of Health and Police will have a tool to address these issues.

Discussion about volume of music last summer. Residents that have taken readings many nights are loud. Back at drawing board and hope it can be made right.

L. Hubert: disappointed that no one came to our door to tell us the readings were high. They are constantly checking the levels. They should have been given the opportunity to fix the noise levels. We are trying not to go over.

Kuklewicz: Need to make sure we have a plan in place for the summer. If folks have questions, they should contact G. McNeely. It's more appropriate to come from the Board of health. Same decibel levels as previously listed.

Discussion about Board of Health regulations. This does not need to go to Town meeting for approval.

McNeely: It's hard to enforce idling trains, you're going against Goliath.

J. McNamera: There is a difference of people playing music and music being played at a onetime event.

McNeely: There is a caveat in every regulation. I read that talks about church bells, parades and community events on public property that allows for noise (page 3, line 34).

S. Hubert: 80 decibels are 80 decibels

Kuklewicz: Rather than get hung up on this, I think people should review the regulation

Person: S. Hubert is right, no matter where it is if 80 decibels is dangerous, it's dangerous. This needs to be looked at.

McNeely: People can choose to go close to a band stage to listen to music. A person can't choose that in their bedroom or living room.

Person: I get it but this needs to be settled.

Discussion about frequency of events over the past summer.

This will be put on the April 4th Agenda for further review

Topics not anticipated in the 48 hour posting requirements

None

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*Boutwell makes the motion to adjourn the meeting at 8:36 PM. Seconded by Kuklewicz, approved unanimously.
Kuklewicz – Aye, Boutwell – Aye, Nelson – Aye*

List of Documents and Exhibits:

- Minutes of March 14, 2016
- Award letter to Sebesta East, Inc.
- Response from Obear Construction to Commercial Homesteading Program, 20 Canal Road, Turners Falls
- Working Draft of Noise Regulations
- Request to waive ZBA Fees for sign variance at Shea Theater
- ABCC Population Estimates for Seasonal Licenses in 2016
- 3rd party Landfill Inspection Report and Corrective Action Report